

FILED



2:58 pm, 7/12/19

Stephan Harris

Clerk of Court

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HOMELAND INSURANCE COMPANY OF
NEW YORK,

Plaintiff,

v.

SCOTT J. GOLDSTEIN, *on behalf of* Powell
Valley Healthcare Inc,

Defendant,

AND

SCOTT J. GOLDSTEIN, *on behalf of* Powell
Valley Healthcare Inc,

Counter-Claimant,

v.

, HOMELAND INSURANCE COMPANY OF
NEW YORK and LEXINGTON
INSURANCE COMPANY,

Counter-Defendants.

Case Number: 1:15-cv-00031-ABJ

ORDER COMPELLING DEFENDANT'S PRODUCTION OF DOCUMENTS

This matter stems from this Court's Order granting in part and denying in part Plaintiff's Motion to Compel [Doc. 148]. Plaintiff Homeland Insurance Company moved to compel Defendant Powell Valley Healthcare's production of any documents relating to the care provided by its then employee Dr. Hansen [Doc. 119]. On April 30, 2019, this Court clarified the scope of the various privileges asserted by Powell and ordered Powell's production to Homeland all responsive documents not protected under those privileges [Doc. 148]. Finally, the Court

ordered Powell's production of select documents for in-camera review by the Court to determine the applicability of the claimed privileges. *Id.* at 18-19.

On June 3, 2019 this Court received a disk containing every document it requested for in-camera review, minus PVH 0022529. That document, an internal email Powell claimed was protected under the Quality Management privilege, had already been adjudged discoverable by this Court. The Court reviewed the remaining documents and considered individually whether they were privileged or discoverable [Exhibit 1]. In accordance with this Order's exhibit, Powell is hereby ordered to produce all documents deemed discoverable by the Court but is permitted to withhold all documents the Court pronounced privileged.

THEREFORE, THIS COURT HEREBY ORDERS that Powell is hereby ordered to produce on or before July 24, 2019 all documents deemed discoverable by this Court as set forth in Exhibit 1 attached hereto. Such documents may be redacted as set forth in Exhibit 1.

Dated this 12th day of July, 2019



MARK L. CARMAN
UNITED STATES MAGISTRATE JUDGE

In-Camera Review Pursuant to Order on Plaintiff's Motion to Compel				
	Exhibit 1			
Document(s)	Asserted Privilege	Ruling	Notes	
PVH 003530	Board of Medicine, Peer Review, Quality Management, Medical Committee	Discoverable	Does not fall within the stated privileges as defined in this Court's Order of 4/30/2019.	
PVH 003531	Board of Medicine, Peer Review, Quality Management, Medical Committee	Discoverable	Does not fall within the stated privileges as defined in this Court's Order of 4/30/2019.	
PVH 003532-003540	Board of Medicine	Privileged	Witness statement submitted to the Board of Medicine.	
PVH 003581	Board of Medicine	Privileged	Communication with the Board of Medicine.	
PVH 003723-003724	Board of Medicine, Peer Review, Quality Management	Discoverable as redacted	Does not fall within the stated privileges as defined in this Court's Order of 4/30/2019. (Attorney-Client information to be redacted)	
PVH 003772	Board of Medicine	Privileged	Communication from the Board of Medicine.	
PVH 003862-003863	Protected Patient Information	Privileged	Protected patient information and not relevant to any of the matters at issue in this matter	
PVH 003996-003997	Peer Review, Quality Management, Medical Committee	Discoverable	Does not fall within the stated privileges as defined in this Court's Order of 4/30/2019.	
PVH 004419-004441	Peer Review, Quality Management, Medical Committee	Discoverable (Patient Names may be redacted as to non-claimants)	Does not fall within the stated privileges as defined in this Court's Order of 4/30/2019.	

PVH 004513-004518	Peer Review, Quality Management, Medical Committee	Privileged	These appear to be documents prepared as part of the peer review process rather than raw data.
PVH 004519	Peer Review, Quality Management, Medical Committee	Privileged	Correspondence of the peer review committee.
PVH 004524-004530	Peer Review, Quality Management, Medical Committee	Privileged	These appear to be documents prepared as part of the peer review process rather than raw data.
PVH 004612-004617	Peer Review, Quality Management, Medical Committee	Privileged	These appear to be documents prepared as part of the peer review process rather than raw data.
PVH 004636	Peer Review, Quality Management, Medical Committee	Privileged	These appear to be documents prepared as part of the peer review process rather than raw data.
PVH 004649-004653	Quality Management	Discoverable	Not privileged as stated in this Court's order of 4/30/19.
PVH 004654-004658	Peer Review, Quality Management	Discoverable	Does not fall within the stated privileges as defined in this Court's Order of 4/30/2019. Factual information is not protected even if it was presented to the peer review committee.
PVH 004945-004954	Peer Review, Quality Management, Medical Committee	Privileged	These appear to be documents prepared as part of the peer review process rather than raw data.
PVH 005013-005018	Peer Review, Quality Management, Medical Committee	Privileged	These appear to be documents prepared as part of the peer review process rather than raw data.
PVH 006083-006085	Peer Review, Attorney-Client	Privileged	Attorney-Client communications

PVH 006435	Peer Review, Quality Management	Discoverable	Not part of the peer review process and quality management is not privileged.
PVH 006601	Peer Review, Quality Management	Discoverable	Document not as described on privilege log.
PVH 011000	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 011001	Board of Medicine	Privileged	Board of Medicine correspondence.
PVH 011003-011004	Board of Medicine	Privileged	Board of Medicine correspondence.
PVH 011170-011171	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 022530	Peer Review, Quality Management, Medical Committee	Discoverable (Bullet point below "Schneider" may be redacted)	Does not fall within the peer review privilege or the Medical Committee privilege as defined in this Court's order of 4/30/19.
PVH 022531	Peer Review, Quality Management, Medical Committee	Discoverable	Does not fall within the peer review privilege or the Medical Committee privilege as defined in this Court's order of 4/30/19.
PVH 025473-025474	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 025484-025485	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 025490-025492	Peer Review, Quality Management, Medical Committee	Non-discoverable	Not privileged but does not address events within the applicable time frame.

PVH 025493	Peer Review, Quality Management, Medical Committee	Non-discoverable	Not privileged but does not address events within the applicable time frame.
PVH 025494-025498	Peer Review, Quality Management, Medical Committee	Discoverable	Same as PVH 004649-004653 noted above.
PVH 025499-025503	Quality Management	Discoverable as redacted	Quality Management is not a privilege. (Attorney-Client communications to be redacted)
PVH 025504-025505	Quality Management	Discoverable	Quality Management is not a privilege
PVH 025521	Peer Review, Quality Management, Medical Committee	Privileged	Appears to be part of peer review process and outside of relevant date range.
PVH 025524	Quality Management	Non-Discoverable	Not privileged but does not address events within the applicable time frame.
PVH 025530	Peer Review, Quality Management, Medical Committee	Non-discoverable	Cannot determine if falls within privilege, but is outside of relevant time frame.
PVH 025531-025532	Peer Review, Quality Management, Medical Committee	Non-Discoverable	Not privileged but does not address events within the applicable time frame.
PVH 030755	Board of Medicine, Quality Management	Discoverable	Does not fall within the Board of Medicine privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 030795-030802	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.

PVH 030832-030833	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 030841-030843	Peer Review, Quality Management	Non-discoverable	Not privileged but does not address events within the applicable time frame.
PVH 030844	Quality Management	Non-discoverable	Not privileged but does not address events within the applicable time frame.
PVH 076744-076771	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 082181-082182	Quality Management	Discoverable	Quality Management is not a privilege. Attorney-Client communications to be redacted)
PVH 082708-082735	Peer Review, Quality Management	Discoverable	Does not fall within the peer review privilege as defined in this Court's order of 4/30/19. Quality Management is not privileged.
PVH 120439-120442	Quality Management	Discoverable	Quality Management is not a privilege